

AMENDED IN ASSEMBLY AUGUST 15, 2005

AMENDED IN ASSEMBLY JULY 13, 2005

AMENDED IN ASSEMBLY JUNE 27, 2005

AMENDED IN SENATE APRIL 13, 2005

SENATE BILL

No. 351

Introduced by Senator Soto

February 16, 2005

An act to add Section 50035 to the Government Code, relating to railroads.

LEGISLATIVE COUNSEL'S DIGEST

SB 351, as amended, Soto. Railroads: derailment evacuation plans and training.

Existing law establishes the safety division of the Public Utilities Commission. The safety division is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description, by rail. Existing law requires the commission to require every railroad corporation operating in this state to develop, in consultation with, and with the approval of, the Office of Emergency Services, a protocol for rapid communications with that office, the Department of the California Highway Patrol, and designated county public safety agencies in an endangered area if there is a runaway train or any other uncontrolled train movement that threatens public health and safety. Existing law requires a railroad corporation to promptly notify the office, the

department, and the public safety agencies, through a communication to the Warning Center of the office, if there is a runaway train or other uncontrolled train movement threatening public safety, in accordance with the developed communications protocol.

Existing law sets forth the powers and duties of legislative bodies of cities, counties, and cities and counties and authorizes the undertaking of legislative actions by ordinance.

The existing California Emergency Services Act authorizes cities, counties, and cities and counties to establish disaster councils by ordinance, to develop plans for meeting any condition constituting a local emergency or state of emergency, including earthquakes, natural or manmade disasters specific to that jurisdiction, or a state of war emergency.

~~This bill would state the intent of the Legislature to authorize a city, county, and city and county to develop rail derailment evacuation plans for populated neighborhoods adjacent to a high-volume railroad track, to have evacuation training and drills, and to obtain reimbursement for costs incurred through fees charged to railroad corporations using the track~~ *authorize the legislative body of a city, county, or city and county to develop rail derailment evacuation plans for populated neighborhoods adjacent to a high-volume railroad track and to establish evacuation training programs and drills. The bill would authorize the legislative body of a city, county, or city and county to delegate this authority to a local disaster council. The bill would authorize the legislative body of a city, county, or city and county to fix and collect charges to pay the costs of developing rail derailment evacuation plans for populated neighborhoods adjacent to a high-volume railroad track and for evacuation training programs and drills, including charges that vary between rail carriers by apportioning the total cost to correspond to the volume of use of the track by the various rail carriers or by any other means of apportioning costs that the legislative body determines is fair and reasonable.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 50035 is added to the Government
2 Code, to read:

1 50035. (a) *The legislative body of a city, county, or city and*
2 *county may develop rail derailment evacuation plans for*
3 *populated neighborhoods adjacent to a high-volume railroad*
4 *track and may establish evacuation training programs and drills.*
5 *The legislative body of a city, county, or city and county may*
6 *delegate its authority pursuant to this subdivision to a local*
7 *disaster council established pursuant to Section 8610.*

8 (b) *The legislative body of a city, county, or city and county*
9 *may fix and collect charges to pay, in whole or in part, for the*
10 *costs of developing rail derailment evacuation plans for*
11 *populated neighborhoods adjacent to a high-volume railroad*
12 *track and for evacuation training programs and drills. The*
13 *revenue obtained thereby may be in lieu of, or supplemental to,*
14 *revenue obtained by the levy of taxes or other methods. The*
15 *charges may vary between rail carriers by apportioning the total*
16 *cost, not otherwise offset by other available revenue, to*
17 *correspond to the volume of use of the track by the various rail*
18 *carriers. Alternatively, the governing board may apportion the*
19 *total cost by using any method which it determines to be fair and*
20 *reasonable in apportioning the expense of responding to*
21 *potential threats to the health and safety of persons living and*
22 *working near the high-volume railroad track.*

23 ~~SECTION 1. (a) It is the intent of the Legislature to~~
24 ~~authorize a city, county, and city and county to develop rail~~
25 ~~derailment evacuation plans for populated neighborhoods~~
26 ~~adjacent to a high-volume railroad track and to have evacuation~~
27 ~~training and drills.~~

28 ~~(b) It is the further intent of the Legislature to authorize a city,~~
29 ~~county, and city and county to obtain reimbursement, through~~
30 ~~fees, for the costs incurred in creating a rail derailment~~
31 ~~evacuation plan and for evacuation training and drills, from the~~
32 ~~railroad corporations using the railroad track.~~